

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Derrick Hill, #214204,)	
)	C/A No.: 2:06-0812-MBS
Petitioner,)	
)	
vs.)	
)	
Warden Reed; and Henry D. McMaster,)	O R D E R
Attorney General of the State of South)	
Carolina,)	
)	
Respondents.)	
_____)	

Petitioner Derrick Hill is an inmate in custody of the South Carolina Department of Corrections. Petitioner, appearing pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on March 16, 2006.

This matter is before the court on Respondents' motion for summary judgment filed August 3, 2006. By order filed August 8, 2006, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Petitioner was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Petitioner filed a response to Respondents' motion on September 14, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On October 18, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that Respondents' motion for summary judgment be granted. Petitioner filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Accordingly, Respondents' motion for summary judgment is **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

November 16, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.